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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: WALLACH=22A

In re Application of:)	Art Unit: 1635
WALLACH et al.)	Examiner: R. SCHNIZER
Serial No.: 09/927,458)	Washington, D.C.
Filed: August 13, 2001)	May 1, 2002
For: MODULATOR OF THE FUNCTION)	
OF RECEPTORS OF...)	

DECLARATION OF BIOLOGICAL MATERIAL DEPOSIT

Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

I, _____, hereby declare and state
that:

1. The following biological material, referred to
in the specification of this application, has been deposited
and has received the following accession number(s) by the
depository:

RAP-1
strain

I-2706
accession number

2. The above deposit was made on July 26, 2001,
which was:

(check appropriate item below)

- ☐ before the effective filing date of this application.
- ☒ after the effective filing date of this application and a verified statement pursuant to 37 CFR 1.804(b) is attached hereto, stating that the biological material which was deposited is a biological material specifically identified in the application as filed.

3. The name and address of the depository is:

Collection Nationale de Cultures
de Microorganismes
Institut Pasteur
25, Rue du Docteur Roux
75724 Paris Cedex 15, France

4. The biological material deposited is capable of self-replication, either directly or indirectly, and

(check appropriate item below)

- ☒ The deposit of the biological material described above was made and accepted under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (hereinafter Budapest Treaty) and therefore the filing of a viability statement is unnecessary (37 CFR 1.807(b)).

___ A statement that the biological material deposited with the above named depository was viable and was capable of reproduction on the date of deposit is attached. Such is executed by:

(complete a, b or c below)

- a. ___ the depository
- b. ___ the applicant
- c. ___ a competent third party

5. With respect to the permanence of the biological material deposit:

(check appropriate item below)

X The depository is an official depository in accordance with the Budapest Treaty and the deposit of the biological material described above was made and accepted under the Budapest Treaty such that samples will be available beyond the enforceable life of the patent for which the deposit was made.

___ The contract with the above-mentioned depository with respect to the deposited biological material provides that the depository will afford permanence of the deposit for at least 30 years and at least 5 years after the most recent request for the furnishing of a sample of the deposit was received by the depository, samples being available beyond the enforceable life of the patent for which the deposit was made.

I affirm that should the depositor be notified by the depository that it either cannot furnish samples thereof or can furnish samples thereof but the deposit has become contaminated or has lost its capability to function as described in the specification, depositor will proceed in accordance with 37 C.F.R. §1.805.

6. With respect to availability of the biological material, I affirm that the deposit has been made under conditions that assure that (a) access to the deposit will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 USC 122, and (b) subject to 37 CFR 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent.

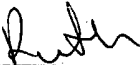
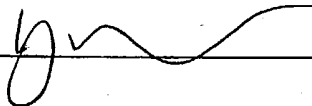
7. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such

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Declaration of Biological
Culture Deposit

willful false statements may jeopardize the validity of the
application or any patent issued thereon.

Ruth Granoth Yaacov Cohen
Type or print name of person signing

28 July 2002
Date

 
Signature

YEDA
RESEARCH AND DEVELOPMENT
CO. LTD.

☐ Inventor
☐ Assignee of complete interest
☒ Person authorized to sign on
behalf of the assignee

(complete the following if applicable)

YEDA RESEARCH AND DEVELOPMENT CO. LTD.
Type name of assignee

At the Weizmann Institute of Science, P.O. Box 95, Rehovot 76100, Israel
Address of assignee

Title of person authorized to sign on
behalf of assignee:

Chief Intellectual Property Officer (R.G), Vice President (Y.C.)